

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv174**

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|-------------------------------|---|--------------|
| CAROLINA FIRST BANK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| Vs. |) | ORDER |
| |) | |
| CHARLES STAMBAUGH; and |) | |
| CAMILLA STAMBAUGH, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

THIS MATTER is before the court on defendants' Motion to Forego Mediation or Attend Telephonically. While defendants state that mediation would not be meaningful and that they have no occasion to visit Asheville, the court has closely reviewed the removed Complaint. This action involves a substantial commercial loan that is allegedly in default. Although plaintiff alleges that defendants have had meaningful contact with the forum state, the nature of the commercial loan and defendants' contacts are not specifically alleged. Thus, the court does not know whether the commercial loan was secured in this district or whether the business that was funded was located in this state. The nature of defendants' contacts as well as the transaction at issue would bear on whether mediation could be effective.

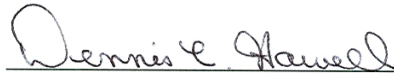
As far as travel to this district by both defendants, only one defendant with full

settlement authority is needed at the mediation. The court will deny the request at this point, with leave granted to file another motion that provides the court with additional background.

ORDER

IT IS, THEREFORE, ORDERED that defendants' Motion to Forego Mediation or Attend Telephonically (#11) is DENIED without prejudice.

Signed: January 31, 2011

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Dennis L. Howell
United States Magistrate Judge

